

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DOMINGO ZETINO HERNANDEZ,

Defendant.

8:23CR58

**PRELIMINARY ORDER  
OF FORFEITURE**

This matter is before the Court upon the government's Motion for Preliminary Order of Forfeiture ([Filing No. 61](#)). The Court has carefully reviewed the record in this case and finds as follows:

1. The Defendant has entered into a Plea Agreement ([Filing No. 5](#)) whereby he has agreed to plead guilty to Count I and admit the Forfeiture Allegation in the Information filed herein. Count I of the Information charged the defendant with did knowingly and with wanton disregard for the consequences of his action, take, possess, and transport, and aid and abet one another in the taking, possessing, and transporting, a bald eagle without being permitted to do so, in that the defendant, aiding and abetting one another, shot, killed, possessed, and transported a bald eagle within the District of Nebraska, in violation of 16 U.S.C. § 668(a) and 18 U.S.C. § 2.

2. The Forfeiture Allegation sought the forfeiture, pursuant to 21 U.S.C. § 853, 16 U.S.C. § 668(b), and 28 U.S.C. § 2461 of the following property, on the basis the equipment was used to aid in the taking, possessing, and transporting of the identified wildlife in such offense:

- a. One (1) bald eagle (*Haliaeetus leucocephalus*) carcass and all parts thereof;
- b. Crosman F4 Model CF47SXS .177 caliber pump-action air rifle, serial number 322X11503, with black synthetic stock and 4X32 optical scope;
- c. Pietro Beretta Model 84FS .177 caliber CO2-powered air pistol, serial number 22D242569; and
- d. Package of .177 caliber pellets.

3. Based on defendant's guilty plea and admission, defendant forfeits his interest in the above-described property and the government should be entitled to possession of the property pursuant to 21 U.S.C. § 853.

4. The Motion for Preliminary Order of Forfeiture should be granted.

IT IS ORDERED:

1. The Motion for Preliminary Order of Forfeiture ([Filing No. 61](#)) is granted.
2. Based upon the Forfeiture Allegation of the Information and defendant's guilty plea and admission, the government is hereby authorized to seize the property.
3. Defendant's interest in the property is hereby forfeited to the government for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).
4. The property is to be held by the government in its secure custody and control.
5. Pursuant to 21 U.S.C. § 853(n)(1), the government shall publish for at least thirty consecutive days on an official internet government forfeiture site, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Preliminary Order of Forfeiture, notice of publication evidencing the government's intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in any of the subject property must file a Petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.
6. The published notice shall state the Petition referred to in Paragraph 5, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the property, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title, or interest in the property and any additional facts supporting the Petitioner's claim and the relief sought.
7. The government may also, to the extent practicable, provide direct written notice to any person known to have an interest in the property as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 14<sup>th</sup> day of November 2023.

BY THE COURT:



Michael D. Nelson  
United States Magistrate